



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: AZAGURY=6

In re Application of:)	Art Unit: 2165
)	
Alain AZAGURY et al)	Examiner: N. Abel Jalil
)	
Appln. No.: 10/044,161)	Washington, D.C.
)	
Date Filed: January 7, 2002)	Confirmation No. 1273
)	
For: EFFICIENT APPLICATION DEPLOYMENT ON DYNAMIC...)	January 7, 2005
)	

REPLY TO ELECTION REQUIREMENT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicants are in receipt of an Office Action mailed December 22, 2004, stated to be a requirement for election of species.

Before addressing the requirement, applicants note that they have claimed the benefit of a U.S. provisional application filed January 8, 2001. Applicants respectfully request the PTO to acknowledge applicants' priority claim.

As regards the election requirement, and as applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally

elect Group I, presently claims 1-22, 33-55 and 66-89, with traverse and without prejudice.

The requirement is set forth as an election of species requirement, although each of the two groups involve more than a single species. Also, the Office Action states that there are no generic claims. It appears to applicants that the requirement is a restriction requirement rather than an election of species requirement.

Applicants believe that the two Groups are sufficiently closely related so that they should be maintained in a single application; accordingly, the requirement should be withdrawn. Even though the groups appear to be separately classified, applicants believe that they are sufficiently closely related so that a search and examination of the elected Group I, done in a thorough and complete fashion, would encompass a search and consideration of non-elected Group II. Thus, it would not be a "serious burden" to examine non-elected Group II with elected Group I.

MPEP 803, second paragraph, **requires** search and examination of **an entire application**, even though the requirement is correct, if it would not constitute a "serious burden" to do so. Applicants believe that the examiner should be guided by the second paragraph of MPEP 803. Accordingly,

applicants respectfully request withdrawal of the requirement and examination of all the claims on the merits.

The Office Action further requires applicants to list all of the claims which are readable on the elected species. Applicants have pointed out above that they believe the requirement to be a restriction requirement rather than an election of species requirement. In any event, the examiner has already listed the claims which fall into Group I, and applicants respectfully adopt the examiner's listing.

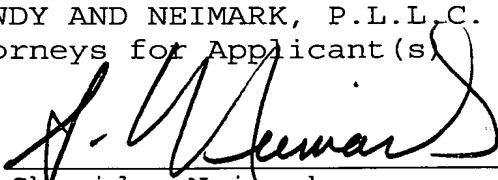
Applicants believe that they have addressed all the issues raised, and that the requirement should be withdrawn for the reasons set forth above. Applicants accordingly respectfully request an examination on the merits of all the claims in the present application.

Applicants respectfully await the results of a first examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Sheridan Neimark
Registration No. 20,520

SN:jaa
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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